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10 Attorneys for Defendants  
11 ACCESS SERVICES

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**UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA**

11 JUNE LYNCH, an individual,  
12 Plaintiff,  
13  
14 v.

15 ACCESS SERVICES INC., GLOBAL  
16 PARATRANSIT, INC.; and DOES 1  
17 through 20 inclusive,  
18 Defendants.

Case No. 2:16-cv-02288-MRW

**REQUEST OF DEFENDANT  
ACCESS SERVICES FOR  
JUDICIAL NOTICE IN SUPPORT  
MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT  
PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE 12(B)(1)  
AND 12(B)(6)**

Hon. Michael R. Wilner

Hearing Date: May 25, 2016  
Time: 9:30 a.m.  
Courtroom: 550

23 Defendant ACCESS SERVICES ("ACCESS") hereby requests that the  
24 Court take judicial notice of the following documents attached as Exhibits 1 and  
25 2. This request is made pursuant to Rule 201 of the Federal Rules of Evidence  
26 and the authorities cited below. This request is made in connection with  
27 ACCESS' motion to dismiss the Complaint filed by plaintiff June Lynch (Dkt.  
28 1).

Exhibit	Description
1	The original complaint filed by Plaintiff June Lynch in the Los Angeles County Superior Court on March 5, 2015 (Case No. BC574568)
2	The first amended complaint filed by Plaintiff June Lynch in the Los Angeles County Superior Court on June 25, 2015 (Case No. BC574568)

### BASIS FOR REQUESTING JUDICIAL NOTICE

On a motion to dismiss under Fed. R. Civ. P. 12(b)(c), a court may consider facts subject to judicial notice. *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007). Such reference to judicially noticeable facts outside the complaint does not convert the motion to dismiss to a motion for summary judgment. *Lee v. City of Los Angeles*, 250 F.3d 668, 688-689 (9<sup>th</sup> Cir. 2001) (citing *Mack v. South Bay Beer Distributors, Inc.*, 798 F.2d 1279, 1282 (9<sup>th</sup> Cir. 1986)).

Courts may take judicial notice of documents that are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(d); *Wietschner v. Monterey Pasta Co.*, 294 F. Supp. 2d 1117, 1109 (N.D. Cal. 2003). As explained further below, the Court may take judicial notice of Exhibits 1 and 2.

Courts may take judicial notice of proceedings in other courts. *U.S. ex rel Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9<sup>th</sup> Cir. 1992) (citing *St. Louis Baptist Temple, Inc. v. FDIC*, 605 F.2d 1169 (10<sup>th</sup> Cir. 1979)) (“[W]e ‘may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.’”). The contents of these filings are public records that are “not subject to reasonable dispute [and] capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). These exhibits reflect the proceedings in other courts, and are

1 appropriate for judicial notice as set forth in *U.S. ex rel Robinson Rancheria*  
2 *Citizens Council*. ACCESS requests that this Court take judicial notice of  
3 Exhibits 1 and 2 solely as evidence that relevant events occurred in state court,  
4 not for the truth of any matter alleged or asserted therein by the parties.

5 For the foregoing reasons, Exhibits 1 and 2 may properly be considered by  
6 the Court in ruling on ACCESS' motion to dismiss.

7 **AUTHENTICATION**

8 The above-referenced exhibits 1 and 2 are authenticated in the attached  
9 declaration of Matthew W. LaVere.

10  
11  
12 DATED: April 27, 2016

Jones & Lester, LLP

13  
14  
15 By: 

16 Matthew W. LaVere  
17 Attorneys for Defendant  
18 ACCESS SERVICES  
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1. I am an attorney at law and duly licensed to practice law before all courts in the State of California. I am of counsel with Jones & Lester, LLP counsel of record for defendant Access Services. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would competently testify thereto.

3. Attached as Exhibit 2 is a true and correct copy of the first amended complaint filed by Plaintiff June Lynch in the Los Angeles County Superior Court on June 29, 2015 (Case No. BC574568) against Defendants Access Services and Global Paratransit, Inc.

Executed this 27th day of April, 2016 at Oxnard, California.

Matthew W. LaVere

# **EXHIBIT 1**

**FEE WAIVER**Filed in Form            (CFC 3.50, et seq.) per order dated MAR 05 2015Amount recoverable pursuant to GC §68637  
Plus a one time administrative fee upon judgment if the party becomes a judgment creditor (GC §6103.5, 68638)

1 Mrs. June J. Lynch  
 2 200 West 108<sup>th</sup> St Apt 19  
 3 Los Angeles, CA 90044

4 PLAINTIFF IN PRO PER

ABIZY  
 90061

DEPT-15

RICHARD FRUIN

**FILED**  
 Superior Court of California  
 County Of Los Angeles

MAR 05 2015

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF LOS ANGELES

8 SOUTH JUDICIAL DISTRICT

12 JUNE J. LYNCH.,  
 13 Plaintiff,

14 vs.

15 ACCESS, SERVICES, and DOES

16 1THROUGH 100, Inclusive,

17 Defendant.

) CASE NO:  
 ) UNLIMITED

BC 5 74 568

) COMPLAINT FOR DAMAGES

) CAUSES OF ACTION

1. ELDER ABUSE
2. NEGLIGENCE
3. GROSS NEGLIGENCE
4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
5. VIOLATION OF BUSINESS & PROFESSIONAL CODE

) DEMAND FOR JURY TRIAL

21 Plaintiff alleges as follows,

22 PRELIMINARY ALLEGATIONS

23 1. This Court is the proper court and this action is properly  
 24 filed in the County of Los Angeles and in this Judicial District  
 25 because Defendants, Does 1-100 inclusive; resides or does  
 26 business in the County of Los Angeles and because Defendants  
 27 Obligations and liability arise therein,  
 28

1  
2 2.Plaintiff June J. Lynch (hereafter "Plaintiff") is a Elder  
3 Person as described in California Civil Code as any person over  
4 the age of 65 years, Plaintiff is a resident of Los Angeles  
5 County.

6  
7 Plaintiff June J Lynch , based upon personal knowledge as to  
8 all act or events that Plaintiff has undertaken or witnessed,  
9 and upon information and believe as to all others, complains and  
10 alleges as follows:

11  
12 **PARTIES**

13 1.Plaintiff JUNE J. LYNCH ("Plaintiff"), is and at all times  
14 herein was an individual residing in the County of Los Angeles  
15 County, State of California.

16 2. Defendants, Access is and at all times herein mentioned was,  
17 a California Corp doing business in the County of Los Angeles  
18 State of California, the company principle place of business is.  
19 The entire county of Los Angeles.  
20

21 3. Plaintiff is informed and believes that at all times herein  
22 mentioned Defendants sued as DOES 1 thru 100 , inclusive, and  
23 therefore sues these Defendants by such fictitious names,  
24 Plaintiff will amend this complaint to allege their true names  
25 And capacities when ascertained. Plaintiff is informed and  
26 believes, and alleges that each of the fictitiously named is  
27  
28



1 responsible for the alleged occurrences and injuries to  
2 Plaintiff.

3 4. Plaintiff is ignorant to the true names and capacities of  
4 Defendants sued as DOES 1thru 100, inclusive, and therefore sues  
5 these Defendants by such fictitious names. Plaintiff will amend  
6 this complaint to allege their true names and capacities when  
7 ascertained.  
8

9 5. Plaintiff is informed, believes, and alleges that, at all  
10 times herein mentioned, Defendants, and each of them, were the  
11 agents or employees of each of the other Defendants, and in  
12 doing the things hereinafter alleged, were acting within the  
13 course and scope of such agency and/or employment and with the  
14 permission and consent of his/her co-Defendants.  
15

16 6. That venue is proper under Code of Civil Procedure §395, in  
17 that Plaintiff's injuries were incurred within this  
18 jurisdiction, and the actions that give arise to Plaintiff's  
19 complaint arose within this jurisdiction.  
20

21 **EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS**

22 7 Plaintiff exhausted her administrative remedies by filing a  
23 Claim of Damages with Access, Access denied the "Claim" on or  
24 about 13 Jan 2015, attached hereto as Exhibit "A", and thus,  
25 Plaintiff has duly exhausted all of the required administrative  
26 proceedings and now properly files this Complaint for Damages in  
27 this Court of Law.  
28



## FACTS COMMON TO ALL CAUSES OF ACTION

1  
2 9 Plaintiff June J Lynch, a 70 years old female, citizen of the  
3 United States of America was a passenger on a Access Van on or  
4 about 3 NOV 2014, at the following location 2233 E 69<sup>th</sup> St, Long  
5 Beach, CA 90805, when the access Van return to pick me up and  
6 take me home, when the Van pulled up to the curb to pick me up  
7 from the location where this same company had previously dropped  
8 me off earlier that same day the 3<sup>rd</sup> of NOV 2015, about  
9 0835hrs/8:35 am; upon the arrival of the Access Van, the driver  
10 who was approx 25-35 yrs old, mixed negro descendant brown  
11 complexion, medium build, 5' 2"- 5' 4" approx. 145lbs-155lbs  
12 shoulder length off black hair, driver spoke with an accent;  
13 proceeded to lower the "lift Gate" which is used to assist the  
14 passenger  
15  
16

17 As I stepped onto the van, the driver obviously didn't know how  
18 to operate the "lift" on the Van after making two, or three  
19 steps onto the ramp/lift that had been lowered to "help" me  
20 access the van more comfortable, the "lift ramp" was mistakenly  
21 And unprofessionally lifted or it malfunctioned in the middle of  
22 me stepping on it, violently knocking my head and my back face  
23 down to the floor of the van, I was knocked off my feet and  
24 knocked into the steel frame-work on the Van, which Severely  
25 injured my shoulder, face, back of my arm also injuring my  
26  
27  
28

1 wrist, and also gave me severe headaches which "Blurred my  
2 vision!

3 After laying on the Van's floor for approximately 8 to 10  
4 minutes not being able to get up because I do believe that I  
5 received a concussion, the driver wouldn't help me get to my  
6 feet, she immediately pulled her cell phone out and began to  
7 dial her Supervisor of which I could hear the driver asking  
8 "should I help her?" and I could clearly tell that the  
9 Supervisor was telling her "No don't call EMT" wait on "US"  
10 (Access) to get there first! Because Access wants me to fill out  
11 a paper for them, before they (Access) take me anywhere  
12 regardless to my condition, she, the driver let out a folding  
13 chair that was in the middle of the van she help me get in the  
14 seat I spoke to the office myself and tell them I was in pain  
15 and I was feeling badly as though I'm going to pass out because,  
16 of my extreme pain the office responded by telling the driver  
17 and myself that "They don't care about how much pain I'm in,  
18 just "don't call an ambulance!" Wait till they get there! I  
19 waited while between 10-15 minutes waiting on them to arrive,  
20 because of extreme pain that I was in I decided that I had to  
21 get up and get some help, I got out the van without the help of  
22 the driver a  
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After a total time of approximately 8-10 minutes of being in  
extreme pain because of the Gross Negligence of Access

1 some strangers who passed by the incident helped me to a City  
 2 Bus that took me to a Hospital, MLK which was closed, the mental  
 3 health center personnel at the back of MLK call an ambulance to  
 4 transport me to St Francis Medical Center in Lynwood,  
 5 California, I was checked into the hospital on 3 NOV 2014 and  
 6 was released at 0935hrs on the 4<sup>th</sup> day of Nov 2014, because of  
 7 severe pain&suffering I again was checked back into St. Francis  
 8 Medical Center, I injured by neck, lower back, head, temple,  
 9 sprained knee, also I sustained a sprain wrist.. To this very  
 10 day I am experiencing pain from the injuries that I receive on  
 11 the date in question 3 NOV 2014 on "Access" Van!  
 12

#### 13 FIRST CAUSE OF ACTION

14  
 15 COUNT ONE - VIOLATION OF THE ELDER ABUSE AND DEPENDENT ADULT  
 16 CIVIL PROTECTION ACT (WELFARE & INSTITUTIONS & 15600 et seq)  
 17  
 18 10 Plaintiff incorporates by reference the allegations contained  
 19 in paragraphs 1 thru 9, as though fully set forth herein.  
 20  
 21 11. Defendants wrongful acts constitute "physical abuse" and  
 22 "financial abuse" of an "elder[ly]" person. Cal Wel. & Inst.  
 23 Code &§15610.07 15610.30. Among other things, plaintiff is  
 24 informed and believes that defendants have:

25 12 This Cause of Action is based upon.

26 Recognizing the increasing reported instances of abuse of  
 27 elderly people, the State of California has passed various  
 28 statues making such abuse subject to unique criminal and civil

1 liability . Essentially, the law forbid the lack of care as well  
 2 as the physical or mental abuse of elderly dependent persons.  
 3 Violation of such provision can subject the perpetrator to civil  
 4 and, more drastically, criminal liability. The definitions are  
 5 contained in the Welfare and Institution Code and the criminal  
 6 penalties in the Penal Code.  
 7

8 a Wel. & Inst. Code Section 15610-.23 states "Dependent Adult"  
 9 means any person between the ages of 18 and 64 years who reside  
 10 in this state and who has physical or mental limitations that  
 11 restrict his or her ability to carry out normal activities or to  
 12 protect his or her rights, including, but not limited to,  
 13 persons who have physical or developmental disabilities, or who  
 14 have physical or mental abilities have diminished because of  
 15 age.  
 16

## 17 SECOND CAUSE OF ACTION

### 18 NEGLIGENCE

19 (Against All Defendants)  
 20

21 13 Plaintiff incorporates by reference the allegations contained  
 22 in paragraphs 1 through 12 , as though fully set forth herein:

23 14 Plaintiff is informed and believes that defendants committed  
 24 actual and constructive negligence on or about 3 NOV 2014 by:

25 a agreeing to transport Plaintiff in their company van in a  
 26 safe and responsible manner,  
 27  
 28

1 promising to deliver plaintiff to and from her destination  
2 safely and on time

3 c defendants by not tending to an Elder Person at the time of  
4 the accident on their "Access Van" because of the Negligence of  
5 the Driver of the van,

6 d. by refusing to call the injured person a Ambulance,

7 e. by directing plaintiff "not to leave" stay and wait until  
8 the Supervisor arrives,

9 f by telling plaintiff that she would have to wait and that  
10 plaintiff would have to sign a document statement that she  
11 relieves Access of any liability,

12 g failing to disclose to plaintiff that defendants lacked all  
13 of the required training to drive and operate the "lift gate" as  
14 15 Plaintiff is informed and believes that defendants , their  
16 agents, or employees, and Does 1 thru 100, committed actual and  
17 constructive negligence between Nov 2014 and Feb 2015 when  
18 responding to inquires by plaintiff and plaintiff's  
19 representatives about the likely cooperation involving this most  
20 pressing matter.

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THIRD CAUSE OF ACTION

GROSS NEGLIGENCE

(Against All Defendants)

16 Plaintiff incorporates by reference the allegations contained  
In paragraphs 1 thru 15, as though fully set forth herein.

17 Plaintiff is informed and believes that defendants committed  
actual and constructive Gross Negligence on or about 3 Nov 2014  
by;

a Refusing to call an ambulance for a Elder Person in her time  
of extreme pain & suffering;

b failing to disclose to plaintiff that the agents and employees  
are instructed to call the office first when any and all  
accidents happen first,

c by failing to be concerned about the well being of an elder  
person that they -Access are transporting on their vehicles,

d by the employees paying no attention to the injured elder  
person who was involved in a accident cause by the lack of  
training by a employee of the Defendant.

#### FOURTH CAUSE OF ACTION

#### INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against All Defendants)

18 Plaintiff incorporates by reference the allegations contained  
in paragraphs 1 thru 17, as though fully set forth herein.

19 Plaintiff is informed and believes that defendants intended  
to Intentional Inflict emotional Distress on or about 3 Nov 2014

And even through the "present day,"

a plaintiff has suffered severe emotional distress, and the  
cause was a "direct" result of the "Outrageous Conduct" of  
defendants,

1 b by not assisting plaintiff after the accident that was  
2 directly caused by the unprofessional conduct of the driver of  
3 Access Services employee,  
4 c by allowing the plaintiff to lay on the floor of the van and  
5 not calling an ambulance ,  
6 d by immediately calling the home office and discussing the  
7 accident with her supervisors,  
8 e by telling plaintiff that she-the driver would not call for  
9 help,  
10 f by informing plaintiff that she would have to wait for "her"  
11 supervisor to arrive at the accident site before anything could  
12 possibly be done,  
13 g by informing plaintiff that she would have to sign a document  
14 stating that plaintiff "release" all liabilities as it may or  
15 may not pertain to the defendants.  
16 h by informing the plaintiff that they Access Services will not  
17 pay for<sup>any</sup> medical treatment ,  
18 i by arguing with plaintiff over the phone,  
19 j by informing the plaintiff that they "Access Services" is  
20 going to "Reject" the claim,  
21  
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27 19 Plaintiff is informed and believes that defendants have acted  
28 willfully, wantonly, and maliciously, in reckless or conscious  
disregard of plaintiff's rights, and with an intent to engage in



1 a willfully intent to inflict emotional distress on a "Senior  
2 Citizen" of the State of California.

3 **FIFTH CAUSE OF ACTION**

4 **VIOLATIONS OF BUSINESS & PROFESSIONS CODE §§ 17200, 17500 et seq**

5 **(Against All Defendants)**

6  
7 20 Plaintiff incorporates by references the allegations  
8 contained in paragraphs 1 through 19, as though fully set forth  
9 herein.

10 21 Plaintiff is informed and believes that defendants have  
11 engaged in unlawful, unfair and fraudulent business acts and  
12 practices as well as unfair, deceptive, untrue or misleading  
13 advertising in violation of Business & Professions Code sections  
14 17200 and 175000 et seq.

15  
16 22 Plaintiff is informed and believes that defendants engage in  
17 a variety of unlawful business acts and practices, including;  
18 a failing to immediately comply with plaintiff's demands  
19 called for in order to properly operate a vehicle that  
20 transports "Elder Persons" and "handicap individuals!"

21  
22 23 Plaintiff has incurred medical expenses and the defendants  
23 has flatly refused to p-pay them saying that the accident was the  
24 "fault" of the Plaintiff and the Defendants are not liable for  
25 the injuries incurred.

26  
27 24 Plaintiff is informed and believes that defendants have acted  
28 willfully, wantonly, and maliciously, in reckless disregard for

1 the safety and care of an Elder Person -The Plaintiff., also  
 2 defendants have shown an absolute disregard for the rights of  
 3 the Plaintiff, and with an intent to engage in oppression and  
 4 fraud, As a result of these wrongful acts, plaintiff is not only  
 5 entitled to the damages described above, but also to exemplary  
 6 and punitive damages sufficient to set an example and deter  
 7 future misconduct by defendants.  
 8

9 \*\*\*

10 Wherefore, plaintiff June J. Lynch prays for judgment against  
 11 defendants and each of them as follows:  
 12

- 13 1 On the first, second, third, forth, and fifth causes of  
 14 action, general and special damages, but in no event less  
 15 than \$500,000;
- 16 2 On all causes of action, restitution for medical expenses  
 17 which are to including "future" medical expenses,, unseen  
 18 as it pertains to the injuries incurred as a direct result  
 19 of the "Negligence" & "Gross Negligence" of the defendants,  
 20
- 21 3 On all causes of action, the costs of the suit;
- 22 4 On all causes of action, prejudgment interest at the  
 23 maximum legal rate, but in no event less than \$500,000;  
 24
- 25 5 Such other further relief as may be just and proper.

26 Dated: 3 Feb 2015

Respectfully Submitted,

By: 

June J. Lynch

Plaintiff In Pro Per

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, telephone number, and address): <b>Mrs June J Lynch</b> <b>206 West 108th St</b> <b>Los Angeles, CA 90061</b>		<b>CM-010</b>  FOR COURT USE ONLY  <div style="text-align: center;"> <b>FILED</b>  <b>Superior Court Of California</b>  <b>County Of Los Angeles</b>   <b>MAR 05 2015</b> </div> Shown to _____ PG. _____ / _____ By <u><i>[Signature]</i></u> Deputy	
TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): <b>In Pro Per</b>		CASE NUMBER: <b>BC 574568</b>  JUDGE: _____ DEPT: _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Los Angeles</b> STREET ADDRESS: <b>111 North Hill St</b> MAILING ADDRESS: <b>same as above</b> CITY AND ZIP CODE: <b>Los Angeles 90012</b> BRANCH NAME: <b>Stanley Mosk</b>			
CASE NAME: _____			
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

<b>1. Check one box below for the case type that best describes this case:</b>		
<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) <b>Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/DWD (23) <b>Non-PIP/DWD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (18) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/DWD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **five**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **5 MAR 2015**  
**June J Lynch**

(TYPE OR PRINT NAME)

*[Signature]*  
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- NOTICE**
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
  - File this cover sheet in addition to any cover sheet required by local court rule.
  - If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
  - Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

CM-010

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

## Other PIPDWD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice

## Other PIPDWD (23)

Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PDWD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PIPDWD

## Non-PIP/DWD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PIP/DWD Tort (35)  
Employment  
Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Premissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage

## Other Contract (37)

Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (39)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

## Judicial Review

Writ of Habeas Corpus (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case  
Review  
Other Judicial Review (35)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)  
Enforcement of Judgment  
Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

SHORT TITLE:  
Lynch v Access Services

CASE NUMBER

BC 574568

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location where defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (48)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
S T O R Y S O F P R O P E R T Y D E A T H T O R T	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input checked="" type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input checked="" type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 3. 1., 4.



SHORT TITLE:

Lynch v Access Services

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2, 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

LACIV 109 (Rev. 03/11)

LASC Approved 03-04

CIVIL CASE COVER SHEET ADDENDUM  
AND STATEMENT OF LOCATION

Local Rule 2.0

Page 2 of 4



SHORT TITLE: Lynch v Access Services		CASE NUMBER																																																
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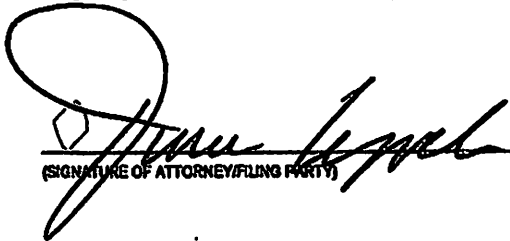
SHORT TITLE: Lynch v Access Services	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.  <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input checked="" type="checkbox"/> 9. <input type="checkbox"/> 10.	ADDRESS: 200 West 108th St Apt 19
CITY: Los Angeles	STATE: ca
ZIP CODE: 90061	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Main District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 5 MAR. 2015

  
(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

## **EXHIBIT 2**

PETER B. O'BRIEN, BAR NO. 49684  
KELLY L. DUENCKEL, BAR NO. 168915  
LAW OFFICES OF PETER B. O'BRIEN  
6767 Forest Lawn Drive, Suite 215  
Los Angeles, California 90068-1027  
(323) 851-5352 telephone  
(323) 851-4797 fax

Attorneys for Plaintiff,  
JUNE LYNCH

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

JUNE LYNCH,

Plaintiff,

vs.

ACCESS SERVICES; and DOES 1  
through 25, inclusive,

Defendants.

**CASE NO: BC574568**

**Complaint Filed: March 5, 2015**

**Dept. 15**

**Hon. Judge: Richard L Fruin Jr.**

**FIRST AMENDED COMPLAINT  
FOR DAMAGES**

1. Negligence by governmental entity
2. Intentional Infliction of Emotional Distress

**COMES NOW** the Plaintiff, JUNE LYNCH, and alleges as follows:

**FIRST CAUSE OF ACTION  
FOR NEGLIGENCE  
AS AGAINST ALL DEFENDANTS**

1. Plaintiff, JUNE LYNCH, is, and at all times herein mentioned was, a residents of

1 the County of Los Angeles, State of California.

2 2. Defendant, ACCESS SERVICES, (hereinafter ACCESS) is, and at all time herein  
3 mentioned herein was, a governmental entity which operates a passenger services on behalf of  
4 the County of Los Angeles. It provide transport services to, among others, people with special  
5 needs/disabilities; it is a public social services organization.

6 3. Plaintiff filed her Government Tort Claim on or about November 11, 2014. She  
7 then filed a second Government Tort Claim on January 3, 2015. All were timely being within  
8 6 months of the accident at issue in this litigation so as to comply with Government Code section  
9 945.6. Defendant ACCESS denied the two claims, the first on or about January 13, 2015, the  
10 second on or about March 11, 2015. Litigation was commenced with 6 months of said denial  
11 complying with the requirement of Government Code 945.4(denial)with the requirement of  
12 Government Code 945.6 (within 6 months)

13 4., Plaintiff is ignorant of the true names and capacities of Defendants sued herein as  
14 DOES 1 through 25, inclusive, and therefore sues these Defendants by such fictitious names.  
15 Plaintiff will amend this Complaint to allege their true names and capacities when ascertained.  
16 Plaintiff is informed and believes and thereon alleges that each of the fictitiously named  
17 Defendants are responsible in some actionable manner for the occurrences herein alleged and  
18 that Plaintiff's damages were legally caused by Defendants' wrongdoing.

19 5. Plaintiff is informed and believe and thereon alleges that Defendants, and each of  
20 them, were the agents, employees, joint venturers, and partners of each and every one of the  
21 other Defendants and in doing the things herein alleged, were acting within the purpose of said  
22 agency, employments, joint venture and/or partnership. Further, that each of the Defendants  
23 approved, ratified and authorized the actions of the others.

24 6. On or about November 3, 2014 the driver of the Access Van arriving to pick up  
25 the plaintiff lowered the lift/gate of said Van for Plaintiff's access. The plaintiff stepped onto  
26 said lift and in its condition and/or operation by the driver it jerked, moved, and became unstable

1 knocking her into various structures within the interior of the Van injuring her as hereinafter  
2 pled.

3 7. Said lift was operated by a public employee of ACCESS in the course and scope  
4 of  
5 her employment; her acts or omissions are a fact on which the Governmental entity's liability  
6 is established.

7 8. Plaintiff alleges that ACCESS was a common carrier and in that capacity had a  
8 special relationship which defined its duty and breach. A common carrier must use the utmost  
9 care and diligence for a passenger safe carriage, a duty which applies to public carriers the  
10 character and mode of conveyance which is at issue herein, to wit, transportation of the people  
11 with special needs and/or disabled, establishes a high duty of care

12 9. Plaintiff alleges that Access and its employee operating the Access Van it issue  
13 herein had a legal duty of care, breached that duty in a negligent manner and the breach of said  
14 duty was the legal cause of the resulting injures hereinafter pled.

15 10. As a legal result of the wrongdoing of the Defendants, and each of them, Plaintiff  
16 suffered injures and the loss of her health, strength and activities sustaining injury to her body  
17 and shock and injury to her nervous system and person, all of which injures have caused and  
18 continue to cause Plaintiff mental and physical harm, pain and suffering in a sum yet to be  
19 determined. Plaintiff will seek leave of court to amend this pleading at the time of trial

20 11. As a further legal result of the wrongdoing of Defendants, and each of them,  
21 Plaintiff has been and will, in the future, be required to employ physicians, surgeons, nurses,  
22 therapists, and other medical practitioners, and has, and in the future, will be required to incur  
23 medical and incidental expenses, all to the Plaintiff's further damage in a sum yet to be  
24 determined. Plaintiff will amend the pleadings in conformity with proof at the time of trial.

25 12. As a further legal result of the wrongdoing of Defendants, and each of them,  
26 Plaintiff was prevented from attending to his usual occupation and profession, and will, in the  
27



1 future, be prevented from attending to such occupation and profession, all to the Plaintiff's  
2 further damage for loss of earnings and earning capacity, past, present, and prospective, in a sum  
3 yet to be determined. Plaintiff will amend the pleadings in conformity with proof at the time of  
4 trial.

5  
6 **SECOND CAUSE OF ACTION FOR INTENTIONAL**  
7 **INFLICTION OF EMOTIONAL DISTRESS**

8 13. Plaintiff repleads and realleges paragraphs 1 through 12 as though set forth at  
9 length.

10 14. Defendant though its driver/operator employee failed to render care and  
11 treatment in a timely manner upon instruction from her supervisors not to do so. Rather  
12 ACCESS wished to delay both ambulance and medical care until investigatory personnel  
13 arrived putting the issue of liability before care and treatment. Such behavior was intentional  
14 and reckless.

15 15. As a direct result of such action, the Plaintiff laid on the floor of the Access  
16 Van and was told that no help would be provided until investigatory personnel arrived.

17 16. Such behavior was extreme and outrageous being a reckless act producing  
18 severe emotional distress and outrage. Denying care to a elderly woman in need of medical  
19 attention and kindness was an act not countenanced by civilized society.

20 17. Plaintiff seeks damages as alleged in paragraph 10, 11, and 12.

21  
22 **WHEREFORE**, Plaintiff, JUNE LYNCH, pray judgment against Defendant,  
23 ACCESS SERVICES, and Defendants, and each of them, as follows:

- 24  
25 1. For general damages in a sum as yet to be determined;  
26 2. For all medical and incidental expenses according to proof;



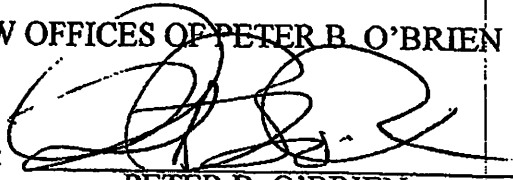
3. For all loss of earnings according to proof;
4. For costs of suit herein incurred; and
5. For such other and further relief as the court may deem proper.

DATED: JUNE 25, 2015

Respectfully Submitted:

LAW OFFICES OF PETER B. O'BRIEN

By:

  
PETER B. O'BRIEN  
Attorneys for Plaintiff,  
JUNE LYNCH

**PROOF OF SERVICE BY MAIL (1013A, 2015.5 C.C.P.)**  
**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am a resident of/employed in the county aforesaid: I am over the age of eighteen years and not a party to the above entitled action.

My business address is: 6767 Forest Lawn Drive, Suite 215, Los Angeles, California 90068-1027.

On June 25, 2015, I served the within:

**FIRST AMENDED COMPLAINT**

on the interested parties in said action, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Kenton E. Moore  
McCune & Harber, LLP  
515 South Figueroa Street, Suite 1150  
Los Angeles, California 90071  
Tel: 213-689-2500  
Fax: 213-689-2501  
Attorneys for Defendant, ACCESS SERVICES

  X   **BY MAIL** as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter dated is more than one day after date of deposit for mailing affidavit.

Executed on June 25, 2015, at Los Angeles, California.

  X   **BY FACSIMILE**: By transmitting by facsimile to the number(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

  X   **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

       **(FEDERAL)** I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Maria Ramos  
Type or print name

  
Signature